



**Project #16-021
Land Use Appeals Board
Code Amendment**

REPORT SUMMARY...

<i>Project Name:</i>	Land Use Appeal Board Amendments
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Citywide
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	May 12, 2016
<i>Submitted By:</i>	Mike DeSimone, Director

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendments to the Land Development Code (LDC): Sections 17.57 (Land Use Appeals Board).

REQUEST

This proposed modifications to Section 17.57 (Land Use Appeals Board) of the Land Development Code is required in order to clarify the standard of review for the Land Use Appeals Board and eliminate any ambiguity on their role in the appeals review process. The proposed amendment to Section 17.57.060 is as follows:

§17.57.060. Standard of Review

- A. The review by the Land Use Appeal Board of the appeal or request shall be limited to the record of the land use application process resulting in the decision made by the Land Use Authority which is the subject of the appeal or request including written communications, the written land use decision and the written appeal or request.
- B. The Land Use Appeal Board may not accept or consider any evidence outside the record of the Land Use Authority unless that evidence was offered to the Land Use Authority and the Board determines that it was improperly excluded. The Appellant has the burden of proving that the Land Use Authority erred. The Board shall presume that a Land Use Authority decision is valid and the review of factual matters shall be based on an arbitrary, capricious, or illegal standard. A Land Use Authority decision interpreting or applying a land use ordinance shall be reviewed for correctness.
- C. For the granting of variances, the Land Use Appeal Board may grant a variance only as allowed under Utah law.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. These proposed amendments to the Land Use Appeal Board help clarify the overall code and simplify its administration and implementation. The proposed amendments are consistent with the General Plan.

STAFF RECOMMENDATION AND SUMMARY

Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

PUBLIC COMMENTS

As of the time the staff report was prepared, no public comments had been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on April 28, 2016, posted on the City's website and the Utah Public Meeting website on May 5, 2016, and noticed in a quarter page ad on April 24, 2016.

AGENCY AND CITY DEPARTMENT COMMENTS

No comments have been received.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are minor in nature and clarify the standard of review for the Land Use Appeal Board.
4. The provisions of these amendments are consistent with the overall goals and objectives of the Logan General Plan.
5. No public comment has been received regarding the proposed amendment.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.